

Exhibit 6

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION
4 UNILOC USA, INC., ET AL.) (
5) (CIVIL ACTION NO.
6) (2:17-CV-651-JRG
7 VS.) (MARSHALL, TEXAS
8) ()
9 SAMSUNG ELECTRONICS AMERICA,) (MARCH 4, 2019
10 INC., ET AL.) (10:12 A.M.

11 PRE-TRIAL HEARING

12 BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

15 APPEARANCES:

16 FOR THE PLAINTIFFS: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

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18 FOR THE DEFENDANTS: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

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20 COURT REPORTER: Shelly Holmes, CSR, TCRR
Official Reporter

21

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21 Official Reporter
22 United States District Court
Eastern District of Texas
Marshall Division
100 E. Houston Street
23 Marshall, Texas 75670
(903) 923-7464

24

25 (Proceedings recorded by mechanical stenography, transcript produced on a CAT system.)

1 report, and nowhere is it in Dr. Easttom's improper
2 affidavit that he submitted about a month ago.

3 So unless Your Honor has any further questions.

4 THE COURT: No, no. Thank you.

5 It's a quarter to 12:00, counsel. We're going to
6 break until 12:15. I don't know if that's long enough for
7 you all to get lunch or not. But we're traveling at such a
8 slow pace this morning, we can't afford to take a longer
9 break than that and hope to get done what we need to get
10 done today. We'll reconvene at 12:15.

11 The Court stands in recess.

12 COURT SECURITY OFFICER: All rise.

13 (Recess.)

14 COURT SECURITY OFFICER: All rise.

15 THE COURT: Be seated, please.

16 Counsel, I'm sorry I took longer than I told you,
17 but I spent the time carefully reviewing this motion for
18 summary judgment that you've argued, as well as the
19 supporting briefing over the break.

20 And I'm prepared to give you the Court's ruling on
21 the Defendants' motion for summary judgment.

22 The Court agrees with the Defendants that the
23 accused devices on their own cannot infringe the asserted
24 method claims. A device sitting by itself does not
25 infringe a method claim. But a method claim -- there must

1 be performance of each and every step of the method claim.

2 Now, as to Plaintiffs' assertions of direct
3 infringement against Samsung, the Court finds that there is
4 no sufficient summary judgment evidence that Samsung itself
5 performs each and every step of the method claims asserted
6 in this case in the United States. And I'm going to grant
7 summary judgment for the Defendants on Plaintiffs' direct
8 infringement claims.

9 As to Plaintiffs' indirect infringement claims
10 asserting that third parties perform each and every step of
11 the asserted method claims within the United States, the
12 Court finds that is a disputed issue with supportive
13 summary judgment evidence on the side of Plaintiffs to put
14 this issue squarely before a factfinder in the context of a
15 jury trial. Therefore, I'm going to deny the Defendants'
16 motion for summary judgment with regard to Plaintiffs'
17 assertions of indirect infringement.

18 Now, having granted the motion for summary
19 judgment in part, as I've described to you, particularly
20 with regard to the Plaintiffs' direct infringement claims
21 against the Defendants, the Court is aware that the
22 Plaintiffs' damages expert makes no distinction between the
23 direct infringement claims and the indirect infringement
24 claims.

25 The Court's also aware that indirect infringement

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CERTIFICATION

2

3 I HEREBY CERTIFY that the foregoing is a true and
4 correct transcript from the stenographic notes of the
5 proceedings in the above-entitled matter to the best of my
6 ability.

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8

9 /S/ Shelly Holmes _____
10 SHELLY HOLMES, CSR, TCRR
OFFICIAL REPORTER
State of Texas No.: 7804
11 Expiration Date: 12/31/20

3/6/19
Date

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